Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 919-06798-1432-145	Date: 05/24/19	Time: 0138	
Location: 1283 North Hacienda Boulevard	City or Station: La Puente		
Bureau/Station/Facility: East Patrol Division / Industry Sheriff's Station	Admin. Investigation: ( ) YES (•) NO		
Type of Force: Personal Weapons, Impact Weapons, O.C. Spray, Take Down, Control Holds			
Incident Category: ( ) 1 ( ) 2 (•) 3	Deputy Injury: (•) YES ( ) NO	Suspect Injury (•) YES ( ) NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: (•) YES ( ) NO	Person Notified: Jones, Robert	Emp: [redacted]	IAB Roll Out (•) YES ( ) NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: B-1
Sex: (•) M ( ) F	Race: W	Height: 505	Weight: 175	Age: [redacted]
Shift: (•) EM ( ) Day ( ) PM	(•) Regular Shift ( ) OT Shift ( ) Off Duty			
Unit of Assignment: Industry Station	Work Assignment (Unit #, Module, etc.): 144F/EM			
Individual Force Used: Personal Weapons, Take Down, Control Holds	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 (•) 2 ( ) 3		
☒ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

E 2

Employee #: [redacted]	Last Name: Pombal	First Name: Sebastian	Middle I.: J.	Rank: DSG
Sex: (•) M ( ) F	Race: H	Height: 510	Weight: 185	Age: [redacted]
Shift: (•) EM ( ) Day ( ) PM	(•) Regular Shift ( ) OT Shift ( ) Off Duty			
Unit of Assignment: Industry Station	Work Assignment (Unit #, Module, etc.): 144F/EM			
Individual Force Used: Personal Weapons, Take Down , Control Holds	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 (•) 2 ( ) 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

E 3

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: B-1
Sex: (•) M ( ) F	Race: W	Height: 511	Weight: 195	Age: [redacted]
Shift: (•) EM ( ) Day ( ) PM	(•) Regular Shift ( ) OT Shift ( ) Off Duty			
Unit of Assignment: Industry Station	Work Assignment (Unit #, Module, etc.): 142/EM			
Individual Force Used: Personal Weapons, Impact Weapons, O.C. Spray	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 (•) 2 ( ) 3		
☒ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:		

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Kneubuhler	Andre		Sgt	YES ( ) NO (•)	YES ( ) NO (•)

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Morales	Joseph	P.	Sgt	YES ( ) NO (•)	YES ( ) NO (•)

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Jones	Robert	L.	Lt.

Lt. R. Jones [signature] — 10-29-19

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

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Involved Employee

E4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Enriquez	Manuel		DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	602	230	[redacted]	(●) EM ( ) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Industry Station

Work Assignment (Unit #, Module, etc.): 142/EM

Individual Force Used: Personal Weapons, Control Holds

( ) Directed ( ) Rescue ( ) Medical Assist

Individual Category: ( ) 1 (●) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______

Coroner Case #

E5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	505	145	[redacted]	(●) EM ( ) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Industry Station

Work Assignment (Unit #, Module, etc.): 143K3/EM

Individual Force Used: Control Holds

( ) Directed ( ) Rescue ( ) Medical Assist

Individual Category: (●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______

Coroner Case #

E6

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	509	165	[redacted]	(●) EM ( ) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Industry Station

Work Assignment (Unit #, Module, etc.): 143T2/EM

Individual Force Used: Control Holds

( ) Directed ( ) Rescue ( ) Medical Assist

Individual Category: (●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______

Coroner Case #

E7

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	603	310	[redacted]	(●) EM ( ) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Industry Station

Work Assignment (Unit #, Module, etc.): 147B/EM

Individual Force Used: Control Holds

( ) Directed ( ) Rescue ( ) Medical Assist

Individual Category: (●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______

Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:

Work Assignment (Unit #, Module, etc.):

Individual Force Used:

( ) Directed ( ) Rescue ( ) Medical Assist

Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ______

Coroner Case #

Supervisor's Report on Use of Force
SUSPECT INFORMATION

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Suspect Information

S 1

Last Name: Miramontes | First Name: Oscar | Middle Name: G. | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 33 | Height: 600 | Weight: 220 | D.O.B: 121285 | Phone #1: ( ) H ( ) W ( ) C None | Phone #2: ( ) H ( ) W ( ) C None

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5637982 | Primary Charge Code: 69 P.C. | Secondary Charge Code: 11550 (a) HS | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LA County Fire | Unit: 26 | Phone #: 626-854-3486

Hospital Admission? ☒ | Rec'd Treatment At: Pomona Valley Hospital | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Dr. Singleton | Address: 1798 N Garey Ave, Pomona, CA 91767 | Phone #: (909) 865-9500

Under Influence: (●) YES ( ) NO | Substance: Other/Unknown | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Date: 05/24/19 | Time: 2030 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☒ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 9 - 0 6 7 9 8 - 1 4 3 2 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Gorski	Brian	S.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Industry Station	141T1/EM	(•) EM ( ) Day ( ) PM	(•) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		( ) EM ( ) Day ( ) PM	( ) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		( ) EM ( ) Day ( ) PM	( ) Regular ( ) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	30	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	None	None

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	E1	Miramontes	S1	CT	NN	FI
Miramontes	S1	[redacted]	E1	UC	NN	
Miramontes	S1	[redacted]	E1	HR	NN	
Miramontes	S1	[redacted]	E1	PH	NN	FA
[redacted]	E1	Miramontes	S1	PH	BR	FA
[redacted]	E1	Miramontes	S1	TD	NN	AR
Miramontes	S1	[redacted]	E1	RS	NN	
Pombal	E2	Miramontes	S1	TD	NN	
[redacted]	E1	Miramontes	S1	CT	NN	AR
Pombal	E2	Miramontes	S1	CT	NN	AR
Miramontes	S1	[redacted]	E1	RS	NN	
Miramontes	S1	Pombal	E2	RS	NN	
Pombal	E2	Miramontes	S1	PH	BR	FA
Miramontes	S1	Pombal	E2	RS		
Pombal	E2	Miramontes	S1	PO	FR	CH
Miramontes	S1	Pombal	E2	PH	NN	
Miramontes	S1	[redacted]	E1	PH	NN	
[redacted]	E1	Miramontes	S1	PH	NN	CH
Miramontes	S1	[redacted]	E1	RS		
Enriquez	E4	Miramontes	S1	CT	NN	BK
Enriquez	E4	Miramontes	S1	CT	NN	HD
Miramontes	S1	Enriquez	E4	RS	NN	
Enriquez	E4	Miramontes	S1	PH	FR	CH
Miramontes	S1	Enriquez	E4	RS		
Pombal	E2	Miramontes	S1	CT	NN	LE

Supervisor's Report on Use of Force

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(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	E1	Miramontes	S1	PH	BR	FA
Miramontes	S1	[redacted]	E1	RS	NN	
Pombal	E2	Miramontes	S1	PH	NN	LE
Pombal	E2	Miramontes	S1	CT	NN	LE
Miramontes	S1	[redacted]	E3	UC	NN	
[redacted]	E3	Miramontes	S1	FL	NN	SH
Miramontes	S1	[redacted]	E3	UC	NN	
[redacted]	E3	Miramontes	S1	PH	BR	FA
Miramontes	S1	[redacted]	E3	RS	NN	
[redacted]	E5	Miramontes	S1	CT	NN	AR
[redacted]	E6	Miramontes	S1	CT	NN	AR
[redacted]	E7	Miramontes	S1	CT	NN	AR
[redacted]	E3	Miramontes	S1	OC	CP	FA

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category 3 Use of Force**
IAB FILE NUMBER:	**FO 2484424**
URN#:	**919-06798-1432-145**
DATE/TIME:	**May 24, 2019, 0138 hours**
LOCATION:	**1283 Hacienda Boulevard, La Puente 91744**

SYNOPSIS

On May 24, 2019, an Internal Affairs Bureau (IAB) team comprised of Sergeant Joseph Morales, #[redacted], and Sergeant Calvin Mah, #[redacted] responded to Pomona Valley Hospital regarding a Category III use of force investigation. Lieutenant Robert Jones II, #[redacted] also responded. The use of force resulted in a partially collapsed right lung, a right side eighth rib fracture, a left elbow fracture, and frontal scalp soft tissue swelling for Oscar Miramontes (hereinafter referred to as Suspect Miramontes).

Involved Deputy Sebastian Pombal, #[redacted] authored an incident report under URN #919-06798-1432-145 **[Exhibit A]**. Involved Deputies [redacted], #[redacted], [redacted] #[redacted], Manuel Enriquez, #[redacted], #[redacted], [redacted] #[redacted] and [redacted], #[redacted], authored supplemental reports under URN #919-06798-1432-145 **[Exhibits B through G]**. Also, Witness Deputy Brian Gorski, #[redacted], Deputy Gustavo Hernandez, #[redacted] and Deputy Johana Escalante, #[redacted] authored supplemental reports under URN #919-06798-1432-145 **[Exhibits H through J]** documenting the incident.

SUMMARY

On May 24, 2019, Industry Station Deputies [redacted] and Pombal, Unit 144F/EM, were patrolling a public commercial business parking lot at approximately 0138 hours. Deputy Pombal was on his [redacted] and driving their patrol car. Deputy [redacted] was Deputy Pombal's [redacted] and was the front passenger. They saw Suspect Miramontes walking beside another person, identified as Witness [redacted], who was riding a bicycle during darkness without a headlight (violation of 21201 (d)(1) CVC).

Deputies [redacted] and Pombal had prior knowledge several businesses in the location they were patrolling had been previously burglarized in the early morning hours. They also had prior knowledge several transients frequented the area and used illegal narcotics. Deputies [redacted] and Pombal pre-planned not to simultaneously search two persons who were detained together. They agreed that while one deputy conducted a search, the other non-searching deputy would monitor the searching deputy and keep watch.

Deputies [redacted] and Pombal drove toward Suspect Miramontes and Witness [redacted]. Deputy Pombal exited the driver's side of the patrol car and contacted Witness [redacted]. Deputy [redacted] exited the passenger side of the patrol car and conducted a consensual encounter with Suspect Miramontes. Deputy [redacted] spoke to Suspect Miramontes in English, which Suspect Miramontes appeared to understand.

As Deputy [redacted] spoke to Suspect Miramontes, Deputy [redacted] noticed Suspect Miramontes had rapid speech, fluttering eyelids, appeared fidgety, and was also sweating profusely despite the cool weather. Deputy [redacted] believed Suspect Miramontes displayed objective signs and symptoms of a person under the influence of a controlled substance. Deputy [redacted] also noticed Suspect Miramontes was wearing several items of bulky clothing. Deputy [redacted] detained Suspect Miramontes for an under the influence of a controlled substance investigation. Deputy Pombal conducted a pat down search for weapons of Witness [redacted] person and began to place him in the backseat of their patrol car.

Deputy [redacted] instructed Suspect Miramontes to place his hands behind his back and interlock his fingers. Suspect Miramontes placed his hands behind his back but did not interlock his fingers. Suspect Miramontes began to move his head from side to side as he looked around the surrounding area. Fearing Suspect Miramontes would flee, Deputy [redacted] used his left hand and placed a firm grip onto both of Suspect Miramontes' index and middle fingers. Using his right hand, Deputy [redacted] placed a handcuff onto Suspect Miramontes' left wrist. Suspect Miramontes pulled his hands free from Deputy [redacted] grasp and turned his body to the left toward Deputy [redacted]. Suspect Miramontes swung his left fist toward Deputy [redacted] face with the handcuff still attached to his left wrist. Deputy [redacted] ducked to avoid being hit and punched Suspect Miramontes once on the face with his right fist.

Deputy [redacted] wrapped his arms around Suspect Miramontes' arms, just below his elbows, and attempted to take him to the ground. Deputy [redacted] gave verbal commands to Suspect Miramontes to stop fighting. Suspect Miramontes began to pull his arms free from Deputy [redacted] grasp.

Deputy Pombal ran towards Suspect Miramontes from Suspect Miramontes' right side and wrapped his arms around Suspect Miramontes' torso. Deputy Pombal

took Suspect Miramontes to the ground as Deputy [redacted] held onto Suspect Miramontes' left arm, which still had a handcuffed attached to it. Suspect Miramontes fell onto his stomach, face down, and placed both of his hands underneath his body. Deputies [redacted] and Pombal each attempted to gain control of Suspect Miramontes' arms but Suspect Miramontes refused to remove his hands from underneath his chest.

In fear Suspect Miramontes was arming himself with a weapon, coupled with the fact Deputy Pombal knew Suspect Miramontes had not been searched, Deputy Pombal used both of his fists and punched Suspect Miramontes two to three times on the face. The punches had little effect and Suspect Miramontes attempted to push himself up off of the ground. Deputy Pombal used his right knee to strike Suspect Miramontes five to eight times in his upper right torso.

Deputy [redacted] broadcasted emergency radio traffic that he and Deputy Pombal were involved in a fight. After realizing the full radio traffic was not broadcasted, Deputy Pombal broadcasted their exact location over a minute after Deputy [redacted] initial broadcast.

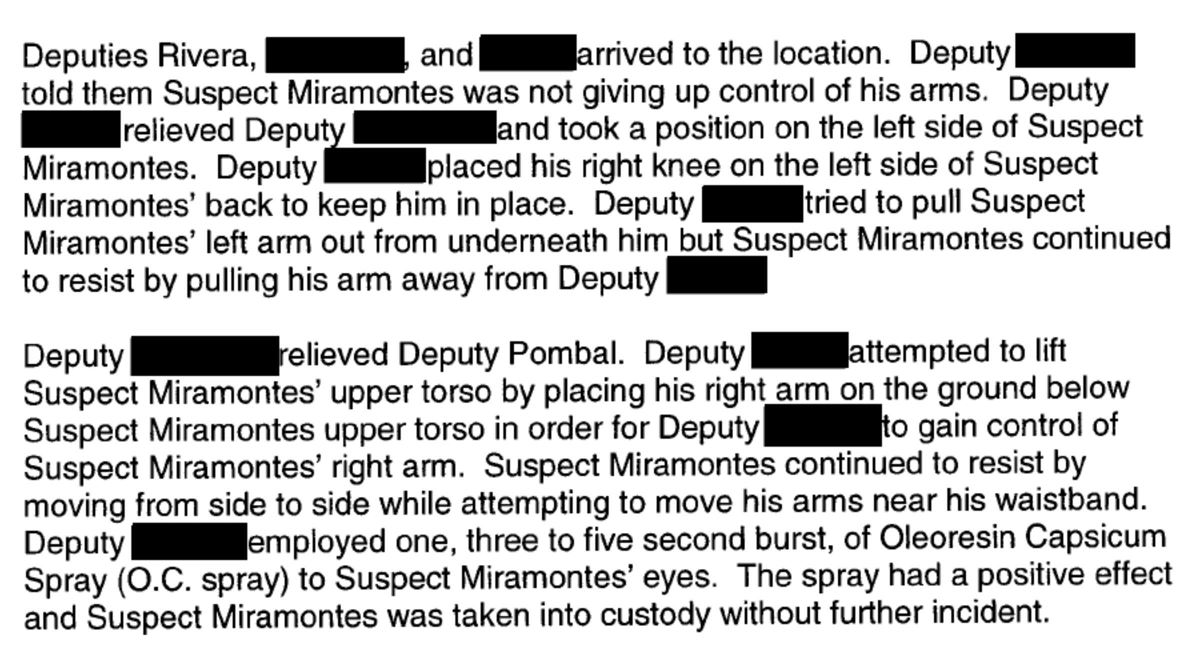
Deputies [redacted] and Pombal gave Suspect Miramontes numerous verbal commands to stop fighting to no avail. Suspect Miramontes repeatedly kicked his legs and continued to ignore the commands. Deputy [redacted] punched Suspect Miramontes four to five times in his left rib cage area with his right fist. The punches had no effect and Suspect Miramontes continued to push himself up from the ground.

Deputy [redacted] and Deputy Enriquez arrived to assist. Deputies [redacted] and Pombal continued to try and gain control of Suspect Miramontes' hands and told Deputy [redacted] and Deputy Enriquez Suspect Miramontes had not been searched. Deputy Enriquez placed both of his hands on Suspect Miramontes' upper back while applying his body weight. Deputy Enriquez used his right hand and attempted to gain control of Suspect Miramontes' right hand. Suspect Miramontes refused to relinquish his hands and moved about from left to right. Suspect Miramontes then moved his right hand toward his waistband. In fear Suspect Miramontes was arming himself with a weapon, Deputy Enriquez punched Suspect Miramontes' right rib cage area three to four times with his right fist. The punches had no effect and Suspect Miramontes continued to reach for his waistband.

Deputy Pombal repositioned himself from Suspect Miramontes' right side and got on his knees behind Suspect Miramontes. Deputy Pombal positioned each of his knees outside of Suspect Miramontes' legs in an attempt to secure Suspect Miramontes' legs. Deputy [redacted] used his left fist and punched Suspect Miramontes once on the left side of his face. The punch had no effect and Suspect Miramontes continued to kick his feet and repeatedly thrash his body from side to side. Deputy Pombal ordered Suspect Miramontes to stop kicking

but Suspect Miramontes refused to comply. Deputy Pombal punched Suspect Miramontes' inner thighs four to five times with both fists. The punches had a positive effect and Deputy Pombal was able to hold Suspect Miramontes' legs in place with his arms.

In spite of numerous commands, Suspect Miramontes kept his arms tucked under his chest near his waistband. In fear Suspect Miramontes was arming himself with a weapon, Deputy [redacted] struck Suspect Miramontes' outer right shoulder two to three times with his "Pelican 8060" LED flashlight. The strikes had no effect and Suspect Miramontes continued to fight by keeping his hands tucked underneath his chest while moving his elbows from side to side in an attempt to hit the deputies around him. Deputy [redacted] used his right fist and right elbow and punched Suspect Miramontes three to four times on the right side of his face and right shoulder.



Deputies Rivera, [redacted], and [redacted] arrived to the location. Deputy [redacted] told them Suspect Miramontes was not giving up control of his arms. Deputy [redacted] relieved Deputy [redacted] and took a position on the left side of Suspect Miramontes. Deputy [redacted] placed his right knee on the left side of Suspect Miramontes' back to keep him in place. Deputy [redacted] tried to pull Suspect Miramontes' left arm out from underneath him but Suspect Miramontes continued to resist by pulling his arm away from Deputy [redacted]

Deputy [redacted] relieved Deputy Pombal. Deputy [redacted] attempted to lift Suspect Miramontes' upper torso by placing his right arm on the ground below Suspect Miramontes upper torso in order for Deputy [redacted] to gain control of Suspect Miramontes' right arm. Suspect Miramontes continued to resist by moving from side to side while attempting to move his arms near his waistband. Deputy [redacted] employed one, three to five second burst, of Oleoresin Capsicum Spray (O.C. spray) to Suspect Miramontes' eyes. The spray had a positive effect and Suspect Miramontes was taken into custody without further incident.

Deputy Gorski arrived to the location and witnessed Deputy [redacted] employ his O.C. spray. Sergeant Andre Kneubuhler, #[redacted] and Deputy Hernandez also arrived to the location. All involved deputies reported their use of force to Sergeant Kneubuhler and a debriefing of the incident was conducted. Witness [redacted] had remained in the backseat of the patrol car during the use of force incident.

Suspect Miramontes was placed under arrest for Resisting an Executive Officer (violation of 69 P.C.) and being Under the Influence of a Controlled Substance (violation of 11550 (a) H.S.). No weapons or contraband was found on Suspect Miramontes' person. Witness [redacted] was not arrested for any crime.

Suspect Miramontes was treated at the location by the Los Angeles County Fire Department, Engine #26, under the command of Captain Davis. Suspect

Miramontes was transported to Queen of the Valley Hospital by ambulance and escorted by Deputy Escalante and Deputy Tyem Vo, #[redacted]. Suspect Miramontes was treated by Dr. Braeden Carrico and given patient ID #[redacted]

Suspect Miramontes told medical staff he had been assaulted with a baseball bat approximately two weeks prior to the use of force incident with Industry Station Deputies. Suspect Miramontes stated during that assault, he had been struck by a baseball bat numerous times on his head, body, and left elbow. Suspect Miramontes received medical care for those injuries at LAC+USC Medical Center. Suspect Miramontes received six staples to the upper left side of his head for injuries he received from the prior assault.

Doctor Carrico suspected Suspect Miramontes had a right ribcage fracture, a left elbow fracture, a collapsed right lung, and possible brain hemorrhaging. Doctor Carrico was unable to determine what injuries were pre-existing and what injuries were attributed to the deputies reported use of force.

Suspect Miramontes was transferred to the Intensive Care Unit at Pomona Valley Hospital by ambulance and escorted by Deputy Escalante and Deputy Vo. Suspect Miramontes was treated by Dr. Andrew Singleton and given patient ID #[redacted]. Suspect Miramontes was diagnosed with a partially collapsed right lung, a right side eighth rib fracture, a left elbow fracture, and frontal scalp soft tissue swelling without hemorrhaging.

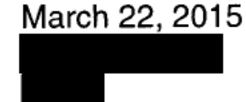
Due to the fact Suspect Miramontes was a [redacted] sustained significant injuries a short time before his involvement with deputies, Doctor Singleton was not able to determine which injuries were pre-existing and what injuries were attributed to the deputies reported use of force.

Suspect Miramontes was issued a citation and discharged from Pomona Valley Hospital on May 28, 2019. Suspect Miramontes never provided a sample of urine to prove or disprove the presence of a controlled substance in his system.

INVOLVED PERSONNEL

[redacted]

Date of Employment:	June 27, 2007
Date Assigned to Industry Station:	March 22, 2015
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	[redacted]



POMBAL, Sebastian

Date of Employment:	January 14, 2015

Date Assigned to Industry Station: February 17, 2019
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]

Date of Employment: July 25, 2007
Date Assigned to Industry Station: June 1, 2014
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

ENRIQUEZ, Manuel

Date of Employment: September 22, 2008
Date Assigned to Industry Station: September 30, 2018
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]

Date of Employment: March 31, 2014
Date Assigned to Industry Station: September 30, 2018
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]


[redacted]

Date of Employment: July 25, 2007
Date Assigned to Industry Station: June 1, 2014
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]


[redacted]

Date of Employment: July 1, 2003
Date Assigned to Industry Station: August 12, 2012
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

MIRAMONTES, Oscar

MH/33, Booking #[redacted] FBI#[redacted] MAIN #[redacted]

Suspect Miramontes had [redacted]. Suspect Miramontes was [redacted] at the time of the incident **[Exhibit K]**.

WITNESSES

SWORN

Deputy Brian Gorski

CIVILIAN

[redacted]

INJURIES

Suspect Miramontes was diagnosed with a partially collapsed right lung, a right side eighth rib fracture, a left elbow fracture, and frontal scalp soft tissue swelling without hemorrhaging **[Exhibit L]**.

Deputy [redacted] sustained redness, swelling, and pain to his right hand. Deputy [redacted] also sustained redness, swelling, and pain to his right hand.

PHYSICAL EVIDENCE

IAB investigators were unable to locate any surveillance cameras which would have captured the use of force incident. IAB investigator's contacted all of the surrounding businesses, including businesses across the street from the location, and confirmed no video surveillance existed.

INVESTIGATOR'S OBSERVATIONS

IAB investigators saw bruising and swelling to Suspect Miramontes' forehead. Suspect Miramontes had dried blood and six pre-existing staples on the upper left side of his head. Suspect Miramontes' left arm was placed in a sling and his right ribcage area was bandaged. IAB investigators photographed Suspect Miramontes' injuries **[Exhibit M]**.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted] struck Suspect Miramontes' outer right shoulder two to three times with his "Pelican 8060" LED flashlight **[Exhibit N]**. Deputy [redacted] also employed one, two the three second burst of O.C. spray.

WEAPONS USED BY SUSPECT

Suspect Miramontes had a handcuff attached to his left wrist while fighting with deputies.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR / CHARGES FILED

Detective Marianne Oliver, #[redacted]
El Monte Superior Court
One count of Resisting an Officer; 148 (a) (1) P.C. filed on June 11, 2019.
Convicted of 148 (a) (1) P.C. on June 13, 2019.

LIGHTING AND WEATHER CONDITIONS

Nighttime with dim overhead lighting and clear weather.

INVOLVED EMPLOYEES' STATEMENTS

DEPUTY [redacted]

On August 13, 2019, IAB investigators interviewed Deputy [redacted] at the Internal Affairs Bureau office. Deputy [redacted] was represented by his attorney, Sherry Lawrence.

Deputy [redacted] had been a deputy sheriff for twelve years. Deputy [redacted] had been assigned to Industry Station for over five years. Deputy [redacted] was [redacted] and Deputy Pombal was his [redacted] at the time of the incident. Deputy [redacted] and Deputy Pombal were assigned to unit 144F/EM. Deputy Pombal was on his third phase of training and driving their patrol car.

Deputy [redacted] had prior knowledge several commercial businesses in the vicinity of 1283 Hacienda Boulevard, city of La Puente, had been burglarized. Deputy [redacted] also knew transients frequented the area and used illegal narcotics. Deputy [redacted] and Deputy Pombal patrolled the parking lot of the area sometime after midnight, while it was dark outside and all of the businesses were closed. The location was dark with poor overhead lighting.

Deputy [redacted] and Deputy Pombal entered the parking lot and saw Suspect Miramontes walking besides Witness [redacted] who was riding a bicycle during darkness with no headlight. Suspect Miramontes and Witness [redacted] were walking away from a closed business and towards them.

Deputy Pombal and Deputy [redacted] drove southbound towards Suspect Miramontes and Witness [redacted] at a slow rate of speed. Suspect Miramontes

and Witness [redacted] separated from each other and began walking in opposite directions as the patrol car approached them. Witness [redacted] walked towards the driver's side of the patrol car and Suspect Miramontes walked towards the passenger side. Deputy Pombal illuminated Witness [redacted] with the patrol car's spotlight and Deputy [redacted] illuminated Suspect Miramontes with his hand held flashlight. The patrol car's lights and siren were not activated.

Deputy Pombal exited the patrol car and contacted Witness Cardenas. Deputy Pombal asked Witness [redacted] to get off of his bicycle and Witness [redacted] complied.

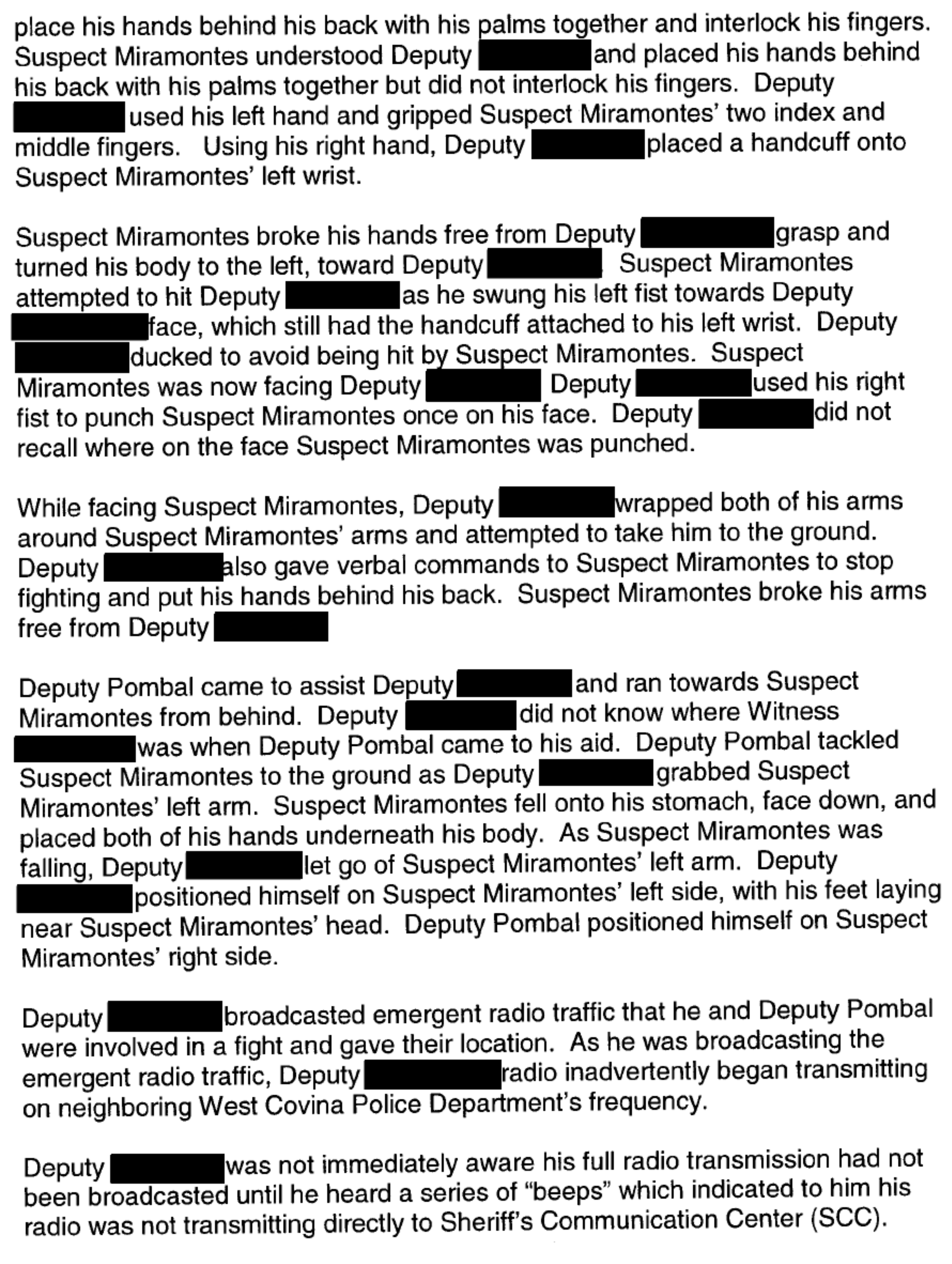
Deputy [redacted] exited the patrol car and began speaking to Suspect Miramontes on the passenger side of the patrol car. Deputy [redacted] noticed Suspect Miramontes was wearing several items of bulky clothing which made it difficult for him to tell if he had anything concealed on his person. Deputy [redacted] did not notice any obvious pre-existing injuries on Suspect Miramontes.

Suspect Miramontes and Witness [redacted] were on opposite sides of the patrol car's hood facing each other with their hands placed on top of the hood. Deputy [redacted] was behind Suspect Miramontes, offset to his right and Deputy Pombal was behind Witness [redacted] offset to his left. Deputy [redacted] and Deputy Pombal were in each other's direct line of sight. Deputy Pombal conducted a pat down search of Witness [redacted] for weapons.

Deputy [redacted] had previous conversations and briefings with Deputy Pombal in regards to each deputy's role when contacting and detaining persons they encounter on patrol. Deputy [redacted] had previously told Deputy Pombal that they would not simultaneously search two persons detained at the same time.

Deputy [redacted] asked Suspect Miramontes what he was doing in the parking lot. Suspect Miramontes spoke in English and told Deputy [redacted] he was collecting recyclables. As Deputy [redacted] spoke to Suspect Miramontes, Deputy [redacted] noticed Suspect Miramontes was sweating profusely even though the weather was cool. Deputy [redacted] also noticed Suspect Miramontes had rapid speech, his eyelids were fluttering and Suspect Miramontes was also very fidgety and could not keep his body still. Deputy [redacted] suspected Suspect Miramontes was possibly under the influence of a controlled substance. As Deputy [redacted] continued to speak to Suspect [redacted], Suspect [redacted] told Deputy [redacted] he did not speak English and began to look around the parking lot.

Deputy Pombal had completed his pat down search of Witness [redacted] and had begun to put him in the back seat of their patrol car. Deputy [redacted] feared Suspect Miramontes was going to run away from him or possibly fight so he decided to conduct a search of Suspect Miramontes before Suspect Miramontes could fight or flee. Deputy [redacted] told Suspect Miramontes to



place his hands behind his back with his palms together and interlock his fingers. Suspect Miramontes understood Deputy [redacted] and placed his hands behind his back with his palms together but did not interlock his fingers. Deputy [redacted] used his left hand and gripped Suspect Miramontes' two index and middle fingers. Using his right hand, Deputy [redacted] placed a handcuff onto Suspect Miramontes' left wrist.

Suspect Miramontes broke his hands free from Deputy [redacted] grasp and turned his body to the left, toward Deputy [redacted]. Suspect Miramontes attempted to hit Deputy [redacted] as he swung his left fist towards Deputy [redacted] face, which still had the handcuff attached to his left wrist. Deputy [redacted] ducked to avoid being hit by Suspect Miramontes. Suspect Miramontes was now facing Deputy [redacted] Deputy [redacted] used his right fist to punch Suspect Miramontes once on his face. Deputy [redacted] did not recall where on the face Suspect Miramontes was punched.

While facing Suspect Miramontes, Deputy [redacted] wrapped both of his arms around Suspect Miramontes' arms and attempted to take him to the ground. Deputy [redacted] also gave verbal commands to Suspect Miramontes to stop fighting and put his hands behind his back. Suspect Miramontes broke his arms free from Deputy [redacted]

Deputy Pombal came to assist Deputy [redacted] and ran towards Suspect Miramontes from behind. Deputy [redacted] did not know where Witness [redacted] was when Deputy Pombal came to his aid. Deputy Pombal tackled Suspect Miramontes to the ground as Deputy [redacted] grabbed Suspect Miramontes' left arm. Suspect Miramontes fell onto his stomach, face down, and placed both of his hands underneath his body. As Suspect Miramontes was falling, Deputy [redacted] let go of Suspect Miramontes' left arm. Deputy [redacted] positioned himself on Suspect Miramontes' left side, with his feet laying near Suspect Miramontes' head. Deputy Pombal positioned himself on Suspect Miramontes' right side.

Deputy [redacted] broadcasted emergent radio traffic that he and Deputy Pombal were involved in a fight and gave their location. As he was broadcasting the emergent radio traffic, Deputy [redacted] radio inadvertently began transmitting on neighboring West Covina Police Department's frequency.

Deputy [redacted] was not immediately aware his full radio transmission had not been broadcasted until he heard a series of "beeps" which indicated to him his radio was not transmitting directly to Sheriff's Communication Center (SCC).

IAB NOTE: When the duplex patch is activated by SCC during emergent radio traffic, all radio transmissions on the specified channel are open and there are no "beeps" as there are during normal radio traffic procedures.

Deputy [redacted] estimated one minute and twenty seconds had passed before he realized his full radio traffic had not been transmitted. Deputy [redacted] told Deputy Pombal his radio was not transmitting. Deputy Pombal broadcasted their exact location on his hand held radio.

Suspect Miramontes flailed his body from side to side and repeatedly kicked his feet. Suspect Miramontes also used his hands and tried to push himself up from the ground. Deputy [redacted] attempted to pull Suspect Miramontes' left arm out from underneath Suspect Miramontes' chest. Deputy Pombal attempted to pull Suspect Miramontes' right arm out from underneath him as well. Suspect Miramontes refused to allow Deputy [redacted] and Deputy Pombal to remove his hands from underneath his chest.

Deputy [redacted] and Deputy Pombal gave Suspect Miramontes numerous commands to give up his hands and stop fighting. Suspect Miramontes shouted and screamed while repeatedly kicking his legs and refusing to give up his hands. Deputy [redacted] did not understand what Suspect Miramontes was shouting.

In fear Suspect Miramontes was arming himself with a weapon, Deputy [redacted] punched Suspect Miramontes four to five times in his left rib cage area with his right fist. The punches had no effect and Suspect Miramontes continued to push himself up from the ground while his arms were still tucked underneath his chest. Deputy [redacted] was able to grab Suspect Miramontes' left forearm. Deputy [redacted] did not see Deputy Pombal punch or knee Suspect Miramontes while they were on the ground because Deputy [redacted] was focused on gaining control of Suspect Miramontes' left arm as they were struggling.

Deputy [redacted] and Deputy Enriquez were the first unit to arrive to their location. Deputy [redacted] told Deputy [redacted] and Deputy Enriquez that Suspect Miramontes had a handcuffed attached to his left wrist and his hands were underneath his body towards his waistband. Deputy [redacted] positioned himself towards the right side of Suspect Miramontes. Deputy [redacted] and Deputy Enriquez attempted to pull Suspect Miramontes' hands out from underneath him but Suspect Miramontes still refused to remove his hands from underneath his chest.

Deputy [redacted] and Deputy [redacted] arrived seconds later. Deputy [redacted] grabbed Suspect Miramontes' right arm. Deputy Pombal let go of Suspect Miramontes' right arm and disengaged from Suspect Miramontes. Deputy [redacted] took control of Suspect Miramontes' left arm and Deputy [redacted] also disengaged from Suspect Miramontes.

Deputy [redacted] and Deputy Pombal had been struggling and fighting with Suspect Miramontes for approximately four to five minutes. Deputy [redacted] and Deputy Pombal were both tired and winded so they went to their patrol car,

which was approximately five to seven feet away from where the fight with Suspect Miramontes was taking place, in order to recuperate while the other deputies took Suspect Miramontes into custody. Deputy [redacted] believed there was a sufficient amount of deputies present who could gain control of Suspect Miramontes while he and Deputy Pombal recovered.

Deputy [redacted] heard someone say O.C. spray was going to be used on Suspect Miramontes but did not know who said it. Deputy [redacted] smelled the odor of O.C. spray but did not see who sprayed it. Deputy [redacted] did not see anyone use additional force on Suspect Miramontes and did not know who handcuffed him. Deputy [redacted] did not recall anyone attempting to gain control of Suspect Miramontes' legs.

After Suspect Miramontes was taken into custody, Deputy [redacted] learned Deputy Pombal had placed Witness [redacted] in the backseat of their patrol car through the rear driver's side door before he came to aid Deputy [redacted] Deputy Pombal did not securely shut the door before he came to Deputy [redacted] aid. Witness [redacted] never left the patrol car during the incident and was not arrested for any crime. Deputy [redacted] verbally counseled Deputy Pombal to ensure persons placed into the backseat of a patrol car are properly secured prior to rendering any aid in the future.

Deputy [redacted] had redness, swelling, and felt pain to his right hand but did not seek medical attention. A TASER was inside of their patrol car, but neither Deputy [redacted] nor Deputy Pombal had a TASER on their person during the incident. Deputy [redacted] reported his use of force to Sergeant Kneubuhler.

DEPUTY POMBAL

On September 17, 2019, IAB investigators interviewed Deputy Pombal at the Internal Affairs Bureau office. Deputy Pombal was represented by his attorney, Sherry Lawrence.

Deputy Pombal had been a deputy sheriff for three years and had been assigned to Industry Station for approximately three months. At the time of the incident, Deputy Pombal was in his [redacted] and Deputy [redacted] was his [redacted] Deputy Pombal and Deputy [redacted] were assigned to unit 144F/EM.

Deputy Pombal was driving their patrol car southbound through a dark, dimly lit parking lot located at 1283 Hacienda Boulevard in the city of La Puente, around 2 a.m. in the morning on May 24th, 2019. Deputy [redacted] was the front passenger. Deputy Pombal saw Witness [redacted] riding a bicycle without a front headlight as Suspect Miramontes walked next to him. Suspect Miramontes and Witness [redacted] were both approaching northbound towards Deputy Pombal and Deputy [redacted].

Deputy Pombal stopped the patrol car and exited the vehicle. Deputy Pombal contacted Witness [redacted] while Deputy [redacted] contacted Suspect Miramontes. Deputy Pombal and Deputy [redacted] had previously discussed that when detaining two or more persons during a patrol stop, one deputy would search while the other person kept watch. Witness [redacted] consented to a search and Deputy Pombal began to pat him down for weapons. Deputy [redacted] was with Suspect Miramontes directly across from Deputy Pombal on the other side of the patrol car's hood. Deputy Pombal and Deputy [redacted] were within each other's direct line of sight.

Deputy Pombal escorted Witness [redacted] to the rear driver's side door of the patrol car and placed him in the backseat. As Deputy Pombal was shutting the car door, he heard Deputy [redacted] begin to shout at Suspect Miramontes to stop fighting. Deputy Pombal pushed the car door forward and ran to Deputy [redacted] aid without checking to see if the patrol car door had been securely shut. Deputy Pombal believed the patrol car had shut prior to going to help Deputy [redacted]

As Deputy Pombal ran past the driver's side of their patrol car, he saw Deputy [redacted] and Suspect Miramontes facing each other approximately five feet apart. Deputy Pombal saw Suspect Miramontes swing his left hand, which had an attached handcuff, towards Deputy [redacted]

Deputy Pombal approached Suspect Miramontes from the right side, wrapped his arms around Suspect Miramontes' torso, and took Suspect Miramontes down to the ground. Deputy [redacted] also helped take Suspect Miramontes to the ground but Deputy Pombal was unsure of how Deputy [redacted] specifically did that. Suspect Miramontes placed his hands out in front of him to avoid hitting the ground. Suspect Miramontes did not hit his head on the ground when he fell.

Suspect Miramontes tucked his arms underneath his body and started reaching towards his waistband. Suspect Miramontes also attempted to push himself up off of the ground. Deputy Pombal got on top of Suspect Miramontes' back and applied his body weight to Suspect Miramontes in order to prevent him from getting up. Deputy Pombal was unsure of Deputy [redacted] exact position. Deputy Pombal and Deputy [redacted] ordered Suspect Miramontes to place his hands behind his back and stop fighting but Suspect Miramontes refused to comply with their orders and began to shout.

Deputy Pombal attempted to grab one of Suspect Miramontes' arms but Suspect Miramontes tucked his arms completely underneath his body and would not allow Deputy Pombal to pull them out. Deputy Pombal did not recall which arm he tried to grab. Deputy Pombal knew Suspect Miramontes had not been searched by Deputy [redacted] and was in fear Suspect Miramontes was arming himself with a weapon. While still on top of Suspect Miramontes, Deputy Pombal

punched Suspect Miramontes' face two to three times using both of his fists in an effort to gain compliance from Suspect Miramontes and gain control of his arms.

Deputy Pombal's punches had no effect on Suspect Miramontes. Suspect Miramontes attempted to push himself up off of the ground once more which caused Deputy Pombal to lose his balance and slide off of his back. Deputy Pombal then used his right knee to deliver approximately five to eight knee strikes to Suspect Miramontes' right torso area. Suspect Miramontes momentarily stopped moving but kept both of his arms tucked underneath his body while shouting in English and Spanish. Deputy Pombal could not understand what Suspect Miramontes was shouting but Suspect Miramontes sounded agitated.

Deputy Pombal did not recall how long he and Deputy [redacted] had been fighting with Suspect Miramontes before Deputy [redacted] broadcasted emergent radio traffic. Deputy Pombal did not realize their location had not been broadcasted until he heard a dispatcher ask for their location. Deputy Pombal broadcasted their location with his hand held radio while still fighting with Suspect Miramontes. When Deputy Pombal voiced his radio traffic, he was tired and winded from fighting with Suspect Miramontes. Deputy Pombal was unsure of how much time had passed between Deputy [redacted] radio traffic and his. Deputy Pombal did not witness Deputy [redacted] strike Suspect Miramontes.

Deputy [redacted] and Deputy Enriquez arrived to the location and helped to gain control of Suspect Miramontes. Deputy Pombal did not recall the position either Deputy [redacted] or Deputy Enriquez took and did not recall if either of them gave Suspect Miramontes any verbal commands.

Suspect Miramontes began to move again as he began violently kicking his legs. Deputy Pombal repositioned himself onto his knees behind Suspect Miramontes. Deputy Pombal then placed both of his knees outside of Suspect Miramontes' legs. Deputy Pombal attempted to cross Suspect Miramontes' legs and secure them but Suspect Miramontes continued to kick his legs towards Deputy Pombal. Deputy Pombal ordered Suspect Miramontes to stop kicking his legs but Suspect Miramontes continued to kick. In fear Suspect Miramontes was going to kick him in the face, Deputy Pombal punched Suspect Miramontes' inner thighs approximately four to five times using both of his fists. Suspect Miramontes kicked again momentarily and then Deputy Pombal was able to hold onto Suspect Miramontes' legs and prevent him from kicking again. Deputy Pombal did not use a hobble because he did not have one at the time.

Deputy [redacted] arrived to the location and relieved Deputy Pombal. Deputy Pombal clarified when Deputy [redacted] relieved him, he did not see exactly what Deputy [redacted] did and had previously assumed Deputy [redacted] took control of Suspect Miramontes' legs, as he had written in his incident report **[Exhibit A]**.

Deputy Pombal felt he had been fighting with Suspect Miramontes for what he felt was a long time but did not recall specifically how much time had passed. Deputy Pombal was tired and winded so he released Suspect Miramontes' legs and walked back to his patrol car, approximately fifteen feet away from where he had been fighting with Suspect Miramontes. Deputy [redacted] also joined him at the patrol car. Deputy Pombal did not watch the other deputies take Suspect Miramontes into custody and did not see any other deputies use force. Deputy Pombal recalled hearing other deputies order Suspect Miramontes to show them his hands but could not recall who gave the orders. Deputy Pombal did not recall how long it took for Suspect Miramontes to be taken into custody after he was relieved by Deputy [redacted].

Sergeant Kneubuhler later arrived and debriefed the incident with all of the involved deputies. Deputy Pombal learned he did not properly shut the car door after he placed Witness [redacted] inside of the patrol car. Deputy [redacted] verbally counseled Deputy Pombal for not properly securing Witness [redacted] Deputy Pombal was not injured.

DEPUTY [redacted]

On August 15, 2019, IAB investigators interviewed Deputy [redacted] at the Internal Affairs Bureau office. Deputy [redacted] was represented by his attorney, Sherry Lawrence.

Deputy [redacted] had been a deputy sheriff for twelve years and had been assigned to Industry Station for almost six years when the incident occurred. Deputy [redacted] was Deputy Enriquez' [redacted] Deputy [redacted] and Deputy Enriquez were assigned to unit 142/EM. Deputy Enriquez was in his [redacted] and driving their patrol car. Deputy [redacted] was the front passenger.

Deputy [redacted] and Deputy Enriquez were patrolling in the city of La Puente when Deputy [redacted] broadcasted emergent radio traffic indicating he and Deputy Pombal were in a fight. Deputy [redacted] did not hear additional radio traffic and there was a short period of radio silence. Further radio traffic was eventually broadcasted but it was broken and hard to understand. Deputy [redacted] was fearful Deputy [redacted] was being hurt or killed.

Deputy [redacted] and Deputy Enriquez responded code three to Deputy [redacted] location. As they responded, Deputy [redacted] discussed contingencies with Deputy Enriquez on what to do if Deputy [redacted] and/or Deputy Pombal were injured. Deputy [redacted] also discussed less lethal use of force options with Deputy Enriquez. Deputy [redacted] and Deputy Enriquez arrived approximately one and a half minutes after the emergent radio traffic was broadcasted and were the first assisting unit to arrive. Deputy [redacted] and Deputy Pombal were in a shopping center parking lot, in a dimly lit area.

Deputy [redacted] saw Suspect Miramontes laying on the ground, face down, with both of his hands tucked underneath his stomach. Suspect Miramontes' hands were not visible and he was kicking his legs towards Deputy [redacted] while thrashing his body from side to side. Suspect Miramontes was also attempting to hit Deputy [redacted] and Deputy Pombal with his elbows. Deputy [redacted] heard Deputy [redacted] and Deputy Pombal give verbal commands to Suspect Miramontes to stop fighting. Suspect Miramontes did not comply with their orders and shouted profanities at them. Deputy [redacted] believed Suspect Miramontes was actively fighting with Deputies [redacted] and Pombal and not merely being resistive.

Suspect Miramontes' head was facing north and his feet were facing south. Deputy [redacted] was on Suspect Miramontes' left side and Deputy Pombal was on Suspect Miramontes' right side. Deputy [redacted] took a positon near Suspect Miramontes' head and got on one knee. Deputy [redacted] was above Suspect Miramontes' top torso area and Deputy [redacted] back was towards the other deputies.

Deputy [redacted] gave Suspect Miramontes verbal commands to stop fighting but Suspect Miramontes refused to comply. In spite of numerous commands, Suspect Miramontes kept his arms tucked under his chest and moved his left hand near his waistband while continuing to fight by kicking his legs and thrashing his body from side to side. Based on the emergent radio traffic Deputy [redacted] heard, coupled with the fact Suspect Miramontes did not have both of his hands secured with handcuffs, Deputy [redacted] believed Suspect Miramontes was attempting to retrieve something from his waistband.

In fear Suspect Miramontes was arming himself with a weapon, Deputy [redacted] used his right hand and retrieved his "Pelican 8060" LED flashlight from his left pants pocket. Deputy [redacted] gripped the top of his flashlight near the bulb and struck Suspect Miramontes' outer right shoulder two to three times with the bottom of his flashlight. The strikes had no effect and Suspect Miramontes continued to fight while moving his right hand near his waistband.

Deputy [redacted] attempted to pull Suspect Miramontes right arm out from underneath his torso but Suspect Miramontes resisted and violently pulled his arm away from Deputy [redacted]. Still in fear Suspect Miramontes was retrieving a weapon, Deputy [redacted] used his right fist and right elbow and punched Suspect Miramontes three to four times on the right side of his face and right shoulder. Suspect Miramontes did not strike his head on the ground after he was punched by Deputy [redacted] The punches had no effect and Suspect Miramontes continued to keep his hands towards his waistband while ignoring numerous commands from deputies.

Deputy [redacted] arrived to the location and took a position on the left side of Suspect Miramontes. Deputy [redacted] attempted to lift Suspect Miramontes so

Deputy [redacted] could gain control of Suspect Miramontes' right arm. Suspect Miramontes continued to resist by not relinquishing his arms.

Suspect Miramontes turned his face towards Deputy [redacted] Deputy [redacted] saw he had an opportunity to use his O.C. spray effectively and announced he was going to spray Suspect Miramontes. Deputy [redacted] employed one, three to five second burst, of O.C. spray to Suspect Miramontes' face in an effort to get him to stop fighting and allow deputies to gain control of his arms. The spray had a positive effect. Deputy [redacted] who arrived moments prior to the O.C. spray, was able to assist Deputy Enriquez gain control of Suspect Miramontes' right arm. Deputy [redacted] did not see who handcuffed Suspect Miramontes. Deputy [redacted] was focused on Suspect Miramontes' actions and did not see any use of force by anyone else. Deputy [redacted] position during the use of force incident did not allow him to see most of the other deputy's actions.

Deputy [redacted] debriefed the incident and use of force tactics with Deputy Enriquez. Deputy [redacted] suffered swelling and pain to his right hand and was treated by paramedics once they responded to the location. Deputy [redacted] reported his use of force to Sergeant Kneubuhler.

DEPUTY ENRIQUEZ

On July 22, 2019, IAB investigators interviewed Deputy Enriquez at the Internal Affairs Bureau office. Deputy Enriquez was represented by his attorney Sherry Lawrence.

Deputy Enriquez had been a deputy sheriff for ten years and had been on patrol training for approximately seven months when the incident occurred. Deputy [redacted] was Deputy Enriquez' [redacted] Deputy Enriquez and Deputy [redacted] were assigned to unit 142/EM. Deputy Enriquez was driving their patrol car and Deputy [redacted] was the front passenger.

Deputy Enriquez and Deputy [redacted] were on patrol when they heard emergent radio traffic broadcasted by Deputy [redacted] and Deputy Pombal saying they were involved in a fight and their location. Deputy Enriquez and Deputy [redacted] responded code three and arrived approximately two to four minutes after the emergent radio traffic was broadcasted. Deputy Enriquez and Deputy [redacted] were the first unit to arrive to the location. The location was a dimly lit shopping center parking lot.

Deputy Enriquez saw Suspect Miramontes laying on the ground face down on his stomach with both of his hands tucked underneath him. Deputy Pombal was on the right side of Suspect Miramontes and Deputy [redacted] was on Suspect Miramontes' left side. Suspect Miramontes repeatedly pulled away from both deputies, kicked his legs, and violently moved his body from side to side with sudden movements. Deputy Enriquez heard either Deputy [redacted] or Deputy

Pombal order Suspect Miramontes to stop fighting but Suspect Miramontes continued to fight.

Deputy Enriquez positioned himself to the right side of Suspect Miramontes and tried to gain control of Suspect Miramontes' right hand. Deputy Enriquez applied his body weight on top of Suspect Miramontes as Suspect Miramontes attempted to push himself off of the ground. Suspect Miramontes reached towards his waistband with his right hand. Deputy Enriquez ordered Suspect Miramontes to give up his hands numerous times, but Suspect Miramontes continued to refuse and kept reaching for his waistband. In fear Suspect Miramontes was reaching for a weapon, Deputy Enriquez punched Suspect Miramontes with his right fist three to four times in Suspect Miramontes' right rib cage area. Deputy Enriquez' punches had no effect and Suspect Miramontes continued reaching for his waistband. Deputy Enriquez continued to try and gain control of Suspect Miramontes' right hand.

Deputy [redacted] employed a three to four second burst of his O.C. spray to Suspect Miramontes' face. The spray had a positive effect and Deputy Enriquez was able to gain control of Suspect Miramontes' right hand and place it behind his back. Deputy Enriquez handcuffed Suspect Miramontes right wrist. Deputy [redacted] had arrived to the location and put Suspect Miramontes' left hand behind his back. Another handcuff was already on Suspect Miramontes' left wrist. Deputy Enriquez joined both sets of handcuffs on Suspect Miramontes. Suspect Miramontes did not resist being handcuffed.

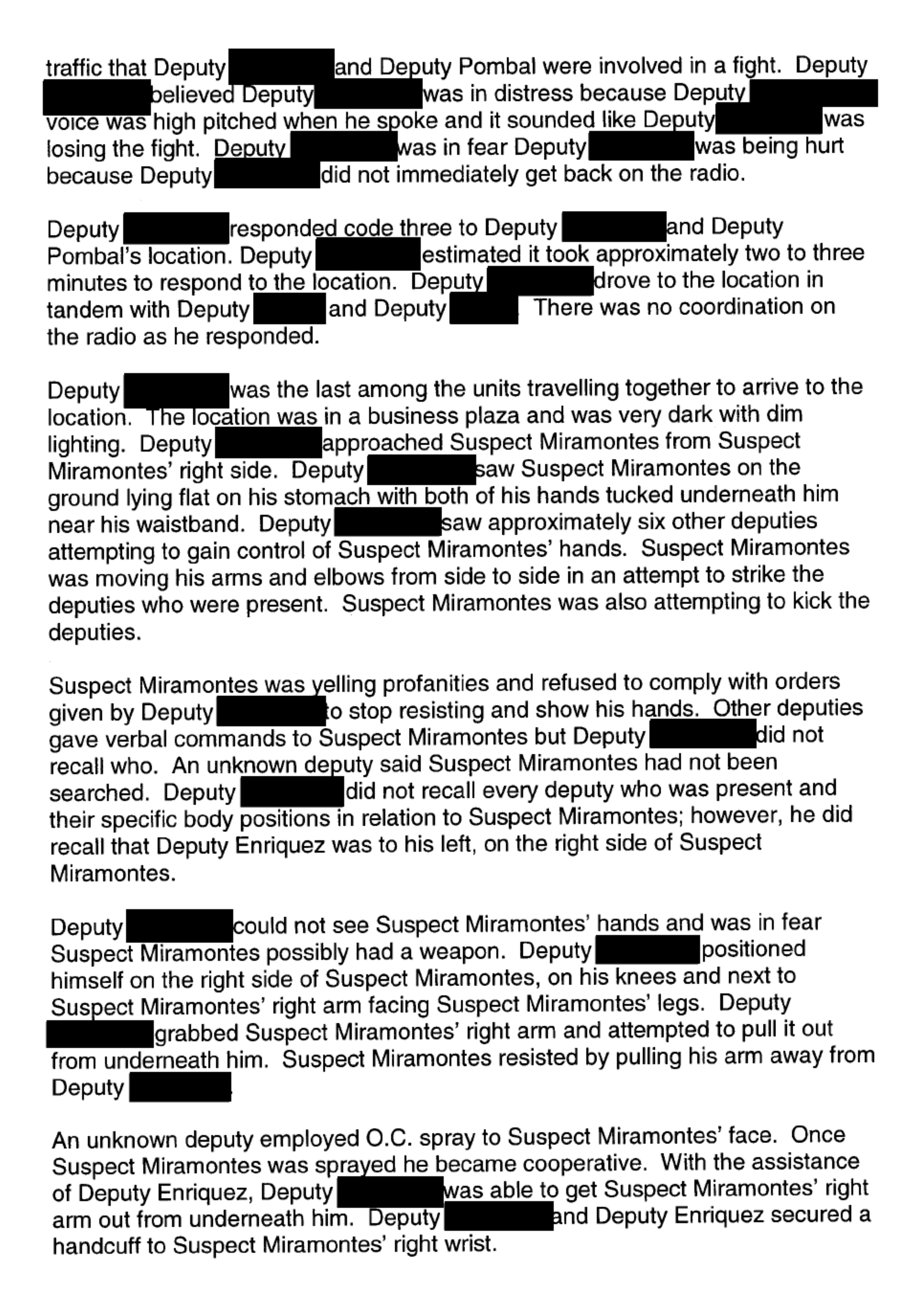
Deputy Enriquez was focused on controlling the right side of Suspect Miramontes and did not see Deputy [redacted] use any force prior to O.C. spray. Deputy Enriquez did not see anyone else use force on Suspect Miramontes. Deputy Enriquez reported his use of force to Sergeant Kneubuhler. Deputy Enriquez was not injured during the use of force. The incident was debriefed with all involved deputies after Suspect Miramontes received medical attention and was transported.

DEPUTY [redacted]

On August 15, 2019, IAB investigators interviewed Deputy [redacted] at the Internal Affairs Bureau office. Deputy [redacted] was represented by his attorney, Sherry Lawrence.

Deputy [redacted] had been a deputy sheriff for over five years and had been assigned to Industry Station approximately seven months before the use of force incident. Deputy [redacted] completed patrol training approximately [redacted] before the incident. Deputy [redacted] was assigned as Unit 143K3/EM.

Deputy [redacted] was working a single person car. Deputy [redacted] was at a restaurant with Deputy [redacted] and Deputy [redacted] when he heard emergent radio



traffic that Deputy [redacted] and Deputy Pombal were involved in a fight. Deputy [redacted] believed Deputy [redacted] was in distress because Deputy [redacted] voice was high pitched when he spoke and it sounded like Deputy [redacted] was losing the fight. Deputy [redacted] was in fear Deputy [redacted] was being hurt because Deputy [redacted] did not immediately get back on the radio.

Deputy [redacted] responded code three to Deputy [redacted] and Deputy Pombal's location. Deputy [redacted] estimated it took approximately two to three minutes to respond to the location. Deputy [redacted] drove to the location in tandem with Deputy [redacted] and Deputy [redacted] There was no coordination on the radio as he responded.

Deputy [redacted] was the last among the units travelling together to arrive to the location. The location was in a business plaza and was very dark with dim lighting. Deputy [redacted] approached Suspect Miramontes from Suspect Miramontes' right side. Deputy [redacted] saw Suspect Miramontes on the ground lying flat on his stomach with both of his hands tucked underneath him near his waistband. Deputy [redacted] saw approximately six other deputies attempting to gain control of Suspect Miramontes' hands. Suspect Miramontes was moving his arms and elbows from side to side in an attempt to strike the deputies who were present. Suspect Miramontes was also attempting to kick the deputies.

Suspect Miramontes was yelling profanities and refused to comply with orders given by Deputy [redacted] to stop resisting and show his hands. Other deputies gave verbal commands to Suspect Miramontes but Deputy [redacted] did not recall who. An unknown deputy said Suspect Miramontes had not been searched. Deputy [redacted] did not recall every deputy who was present and their specific body positions in relation to Suspect Miramontes; however, he did recall that Deputy Enriquez was to his left, on the right side of Suspect Miramontes.

Deputy [redacted] could not see Suspect Miramontes' hands and was in fear Suspect Miramontes possibly had a weapon. Deputy [redacted] positioned himself on the right side of Suspect Miramontes, on his knees and next to Suspect Miramontes' right arm facing Suspect Miramontes' legs. Deputy [redacted] grabbed Suspect Miramontes' right arm and attempted to pull it out from underneath him. Suspect Miramontes resisted by pulling his arm away from Deputy [redacted]

An unknown deputy employed O.C. spray to Suspect Miramontes' face. Once Suspect Miramontes was sprayed he became cooperative. With the assistance of Deputy Enriquez, Deputy [redacted] was able to get Suspect Miramontes' right arm out from underneath him. Deputy [redacted] and Deputy Enriquez secured a handcuff to Suspect Miramontes' right wrist.

Deputy [redacted] did not witness any deputies punch Suspect Miramontes and did not witness Deputy [redacted] strike Suspect Miramontes with his flashlight. Deputy [redacted] did not remember if anyone secured Suspect Miramontes legs or not.

Deputy [redacted] reported his use of force to Sergeant Kneubuhler. Deputy [redacted] and Deputy Pombal debriefed the involved deputies after Suspect Miramontes was transported for medical attention. Deputy [redacted] did not suffer any injuries.

DEPUTY [redacted]

On August 8, 2019, IAB investigators interviewed Deputy [redacted] at the Internal Affairs Bureau office. Deputy [redacted] was represented by his attorney, Sherry Lawrence.

Deputy [redacted] was assigned as unit 143T2/EM in a single person car. Deputy [redacted] was at a restaurant with Deputy [redacted] and Deputy [redacted] when he heard emergent radio traffic being broadcasted by either Deputy [redacted] or Deputy Pombal. Either Deputy [redacted] or Deputy Pombal broadcasted they were involved in a fight and then later gave their location after a period of radio silence.

Deputy [redacted] responded code three to Deputy [redacted] and Deputy Pombal's location. Deputy [redacted] estimated it took approximately four to five minutes to respond to the location. Deputy [redacted] drove to the location in tandem with Deputy [redacted] and Deputy [redacted] Nothing was coordinated on the radio.

Deputy [redacted] was the first among the units travelling together in tandem to arrive to the location. The location was a business parking lot with poor lighting. Deputy [redacted] saw two patrol cars at the location and also saw Deputies [redacted], Pombal, [redacted], and Enriquez at the location on the ground surrounding Suspect Miramontes trying to gain control of his hands.

Suspect Miramontes was laying on the ground, flat on his stomach with both of his hands tucked underneath his torso. Deputy [redacted] approached and heard an unknown deputy give Suspect Miramontes orders to stop fighting and give them his hands.

Suspect Miramontes was actively resisting by moving his body from side to side and ignored commands given by deputies to give them his hands. Deputy [redacted] believed Suspect Miramontes was possibly trying to retrieve a weapon or get onto his feet. Deputy [redacted] did not hear Suspect Miramontes say anything.

Deputy [redacted] positioned himself on the left side of Suspect Miramontes near his head. Deputy [redacted] placed his right arm below Suspect Miramontes' upper

torso in order to create a gap between Suspect Miramontes and the ground so one of the other deputies could grab his hands. Deputy [redacted] did not recall if he gave Suspect Miramontes any verbal commands. Deputy [redacted] remembered Deputy [redacted] was towards his right side, but did not recall the positions of the other deputies present. Deputy [redacted] recalled that approximately four other deputies were behind him but did not know who.

Deputy [redacted] heard someone say to use O.C. spray on Suspect Miramontes but did not recall who said it. Deputy [redacted] disengaged his right arm from underneath Suspect Miramontes to avoid being contaminated by O.C. spray. Deputy [redacted] employed one, two to three second burst, of O.C. spray to Suspect Miramontes' eyes, from a distance of approximately two feet away.

The O.C. spray had a positive effect and Suspect Miramontes stopped moving from side to side. Deputy [redacted] applied his left knee to Suspect Miramontes' upper left shoulder and then used his right hand to grab Suspect Miramontes' left bicep. Deputy [redacted] pulled Suspect Miramontes' left arm out from underneath his torso and placed a control hold on Suspect Miramontes' left wrist with his left hand. Suspect Miramontes did not offer any resistance when Deputy [redacted] pulled his left arm out from underneath him.

Deputy [redacted] saw a single handcuff attached to Suspect Miramontes' left wrist. Deputy [redacted] had arrived and took control of Suspect Miramontes' left arm and assisted with handcuffing him without any further resistance from Suspect Miramontes. Deputy [redacted] was standing over Suspect Miramontes towards Suspect Miramontes' lower mid-section.

Deputy [redacted] estimated it took approximately two minutes from the time he arrived at the location for deputies to gain control of Suspect Miramontes and fully handcuff him. Deputy [redacted] did not see any additional force by any other deputies. Deputy [redacted] reported his use of force to Sergeant Kneubuhler. Deputy [redacted] did not recall if the incident was debriefed.

DEPUTY [redacted]

On July 22, 2019, IAB investigators interviewed Deputy [redacted] at the Internal Affairs Bureau office. Deputy [redacted] was represented by his attorney, Sherry Lawrence.

Deputy [redacted] had been a deputy sheriff for 13 years and had worked patrol at Industry Station for seven years when the incident occurred. Deputy [redacted] was assigned to unit 147B/EM as a single person car.

At the time of the incident, Deputy [redacted] was at a restaurant with Deputy [redacted] Deputy [redacted] heard emergent radio traffic from either Deputy [redacted] or Deputy Pombal who said they were in a fight. Deputy [redacted] responded code

three to Deputy [redacted] and Deputy Pombal's location, which was approximately four minutes away. The location where the use of force occurred was in a shopping center parking lot and was dark with little overhead lighting.

Deputy [redacted] saw Deputy [redacted], Deputy Pombal, Deputy [redacted] and Deputy Enriquez surrounding Suspect Miramontes and attempting to gain control of his hands. Suspect Miramontes was lying face down on the ground and resisting by moving around on the ground and not giving up control of his hands. Suspect Miramontes was also trying to push himself off of the ground with his hands tucked underneath his chest. Deputy [redacted] was positioned near Suspect Miramontes' head. Deputy [redacted] did not recall where other deputies were positioned. Suspect Miramontes was shouting in Spanish but Deputy [redacted] did not know what Suspect Miramontes said. Deputy [redacted] told the other deputies Suspect Miramontes would not remove his hands from underneath his chest.

Deputy [redacted] relieved Deputy [redacted] and took a position on the left side of Suspect Miramontes. Suspect Miramontes tried to pick up his body from the ground, so Deputy [redacted] put his right knee on the left side of Suspect Miramontes' back to keep him in place. Deputy [redacted] tried to pull Suspect Miramontes' left arm out from underneath him but Suspect Miramontes continued to resist. Deputy [redacted] told Suspect Miramontes to give up his hands but Suspect Miramontes refused.

Deputy [redacted] employed one burst of O.C. spray to Suspect Miramontes' face. Deputy [redacted] arrived to the location and assisted Deputy [redacted] by helping him pull Suspect Miramontes' left arm away from underneath Suspect Miramontes' chest. Deputy [redacted] noticed that Suspect Miramontes had a handcuff already attached to his left wrist. Deputy [redacted] assisted another deputy in joining Suspect Miramontes' left handcuff to another handcuff placed on Suspect Miramontes' right wrist.

Deputy [redacted] did not see anyone punch Suspect Miramontes or use any additional force besides the O.C. spray. Deputy [redacted] reported his use of force to Sergeant Kneubuhler.

WITNESS STATEMENTS

WITNESS GORSKI

On August 27, 2019, IAB investigators interviewed Witness Gorski at Industry Station.

Witness Gorski had been a deputy sheriff for eleven years and had been assigned to Industry Station for over three years. Witness Gorski was assigned to unit 141T1/EM on the date of the incident.

Witness Gorski was inside of his patrol car near Industry Station, when he heard emergent radio traffic from unit 144F/EM indicating they were in a fight. Witness Gorski heard someone over the radio indicate unit 144F/EM was near the intersection of Hacienda Boulevard and Fairgrove Avenue. Witness Gorski responded code three to that location. Witness Gorski estimated it took approximately three to four minutes to arrive.

When Witness Gorski arrived to the location, he saw Suspect Miramontes on the ground face down on his stomach. Deputy [redacted] was crouching down near Suspect Miramontes' head. Approximately three additional deputies were present trying to gain control of Suspect Miramontes' hands but Witness Gorski did not recall who because their backs were turned away from him. Witness Gorski recalled there was a deputy to the right and left side of Suspect Miramontes, as well as another deputy near Suspect Miramontes' feet.

Suspect Miramontes had his arms underneath his chest towards his waistband. Suspect Miramontes was kicking his feet and shaking his body back and forth. Suspect Miramontes was shouting in Spanish and sounded angry. Witness Gorski did not understand what Suspect Miramontes was shouting. Witness Gorski heard several deputies give multiple commands to Suspect Miramontes to stop resisting and put his hands behind his back. Suspect Miramontes did not comply and refused to give up his hands.

The location was very dark so Witness Gorski used his hand held flashlight to illuminate Suspect Miramontes. Witness Gorski illuminated Suspect Miramontes as Deputy [redacted] retrieved his O.C. spray. Witness Gorski saw Deputy [redacted] employ his O.C. spray to Suspect Miramontes' eyes with one, two to three second burst. The O.C. spray had a positive effect and Suspect Miramontes was able to be handcuffed. Witness Gorski did not recall who handcuffed Suspect Miramontes.

Witness Gorski reported his observation of Deputy [redacted] force to Sergeant Kneubuhler. Witness Gorski did not see any other deputies use force on Suspect Miramontes and did not use force himself.

WITNESS [redacted]

Sergeant Kneubuhler interviewed Witness [redacted] at the location. Deputy Hernandez provided Spanish to English translation for Sergeant Kneubuhler during the interview.

Witness [redacted] walked through the parking lot with Suspect Miramontes and was detained by two deputies (Deputies [redacted] and Pombal). Deputy Pombal checked him to make sure he had no illegal contraband and then placed him in the backseat of a patrol car. As he was being placed into the patrol car, Suspect Miramontes began fighting with Deputy [redacted]. Deputy Pombal left Witness

[redacted] in the backseat of the patrol car and went to help Deputy [redacted] who was fighting with Suspect Miramontes. Suspect Miramontes had resisted Deputy [redacted] and attempted to run away but Deputy [redacted] would not let him. Both deputies were attempting to calm Suspect Miramontes down but Suspect Miramontes continued to resist.

Witness [redacted] saw Deputy [redacted] and Deputy Pombal take Suspect Miramontes to the ground. Witness [redacted] could not see anything after that because his view was obstructed as he sat in the backset of the patrol car. Witness [redacted] heard additional deputies arrive later. Witness [redacted] heard several deputies give Suspect Miramontes several commands to stop fighting and stop resisting throughout the entire incident. Witness [redacted] heard Suspect Miramontes say something back to the deputies in English but did not understand what he said.

A video recording of Witness [redacted] interview was captured **[Exhibit O]**.

> **IAB NOTE: IAB investigators made several attempts to interview Witness [redacted] but were unsuccessful. A letter was sent to Witness [redacted] residence requesting an interview [Miscellaneous Documents], however; IAB investigators were never contacted by Witness [redacted].**

SUSPECT STATEMENT

On May 24, 2019, IAB investigators interviewed Suspect Miramontes at Pomona Valley Hospital. Suspect Miramontes stated he spoke a limited amount of English and felt more comfortable speaking in Spanish. Deputy Ivan Davanzo, #[redacted] assisted with the interview by providing translation from English to Spanish. Deputy Ryan Fuqua, #[redacted] was also present and operated a hand held video camera during the interview.

Suspect Miramontes was getting aluminum cans and picking up trash when a man approached him (Witness [redacted]) and asked him to take a walk. Suspect Miramontes did not know Witness [redacted] by name but had seen him before. Suspect Miramontes walked next to Witness [redacted] as Witness [redacted] rode a bicycle. A patrol car drove towards them and then a Caucasian deputy (Deputy [redacted]) got out and approached him in the parking lot. Another deputy (Deputy Pombal) was also with him. Deputy [redacted] asked him if he had anything illegal on him. Suspect Miramontes replied that he did not. When he was contacted by Deputy [redacted] he understood him as he spoke.

Deputy [redacted] put his hands on him and escorted him to the nearby patrol car which was only a few feet away. Deputy Pombol was on the other side of the patrol car. Deputy [redacted] grabbed Suspect Miramontes' left arm and put a

handcuff on his left wrist. Suspect Miramontes thought he was being arrested but did not know why.

Suspect Miramontes did not pull his hands away from Deputy [redacted] after a handcuff was put on his left wrist. Suspect Miramontes turned to look at Deputy [redacted] to ask him why he was being arrested. Suspect Miramontes tried to tell Deputy [redacted] his left arm was hurt and was unable to put his left arm behind his back because it had been fractured a few weeks before. Suspect Miramontes spoke to Deputy [redacted] in Spanish.

Suspect Miramontes denied trying to escape and also denied attempting to hit or kick any deputies. Suspect Miramontes denied fighting with anyone.
After Deputy [redacted] put a handcuff on him, Suspect Miramontes was taken to the ground by Deputy [redacted] and Deputy Pombal and then more deputies came and started "beating" on him all over his body. Suspect Miramontes did not see the other deputies who showed up and began to hit him because they were all behind his back as he laid on the ground.

Suspect Miramontes' hands were "down" **[Suspect Miramontes' transcripts, page 8]** but he did not have a weapon. Suspect Miramontes was not trying to fight because numerous deputies were on top of him. Suspect Miramontes did not give any resistance. When deputies ordered him to stop he obeyed their commands. Suspect Miramontes did not provide an answer when asked if deputies told him to show them his hands.

Suspect Miramontes was assaulted and fractured his left elbow approximately two weeks before the use of force incident. A man used a baseball bat and struck his head, waist, legs, and knees numerous times. Suspect Miramontes was "hit all over his body....and left almost paralyzed" **[Suspect Miramontes' transcripts, page 17]**. Suspect Miramontes stated his right side ribs were hurt from the use of force that occurred during the incident with deputies.

Suspect Miramontes consumed three beers right before he was contacted by Deputy [redacted] and Deputy Pombal. Suspect Miramontes did not take any medication and had no history of mental illness.

IAB NOTE: At twelve minutes and forty five seconds into the video recording of Suspect Miramontes' interview [Exhibit P], the video camera malfunctioned and recording stopped. The entirety of the interview was captured on an audio recording [Exhibit Q].

ADDITIONAL INFORMATION

IAB investigators reviewed the emergent radio traffic broadcasted during the incident **[Exhibit R]**. Deputy [redacted] broadcasted he and Deputy Pombal were

involved in a fight as a struggle was heard in the background. Deputy [redacted] broadcast ended before he broadcasted his location. There was a period of radio silence for twenty five seconds and then an unknown unit broadcasted Deputy [redacted] and Deputy Pombal's location according to their patrol car's global positioning system (GPS).

Sergeant Kneubuhler acknowledged and responded at one minute and five seconds. At one minute and forty seconds, Deputy Pombal broadcasted their exact location. Deputy Pombal could be heard breathing heavily and struggling with Suspect Miramontes. At two minutes and twenty two seconds, Deputy [redacted] broadcasted his and Deputy Enriquez' arrival to the location. Sergeant Kneubuhler broadcasted his arrival at three minutes. A broadcast was made that Suspect Miramontes was taken into custody approximately thirty seconds later.

Sergeant Kneubuhler video recorded the use of force location **[Exhibit S]**. The location was a parking lot near several closed businesses. There was dim lighting from surrounding light poles, but no direct overhead lighting. Deputies [redacted] and Pombal's patrol car, a Ford Explorer, was facing southbound. Sergeant Kneubuhler also took photographs of the location **[Exhibit T]**.

IAB investigators discovered Suspect Miramontes had been categorized as a [redacted] incident that occurred on May 6, 2019, and documented under URN #019-05904-1432-053. The incident occurred in the city of La Puente and investigated by Industry Station detectives.

IAB NOTE: No deputies involved in the use of force with Suspect Miramontes were involved in the May 6, 2019, incident or investigation involving Suspect Miramontes.

Deputy Robert Sanchez, #[redacted] completed an incident report for the incident **[Miscellaneous documents]**. The incident report documented a witness statement which indicated Suspect Miramontes was struck in his torso with an aluminum baseball bat. Deputy Brandon Corum, #[redacted] completed a supplemental report documenting another witness statement which said Suspect Miramontes was struck on his head and upper body several times with an aluminum baseball bat **[Miscellaneous documents]**. Deputy Antonio Del Rio, #[redacted] completed a supplemental report documenting the transportation of Suspect Miramontes to LAC+USC Hospital **[Miscellaneous documents]**.

Suspect Miramontes was diagnosed with a left front parietal scalp hematoma, brain hemorrhaging, a skull fracture, and a fractured left elbow **[Miscellaneous documents]**. IAB investigators obtained photographs of Suspect Miramontes' prior injuries **[Miscellaneous documents]**.

IAB investigators reviewed surveillance footage of the [redacted] incident that was provided by Industry Station detective Rudy Zamora,

#[redacted] IAB investigators viewed video surveillance from a bus camera **[Miscellaneous documents]**. IAB investigators observed Suspect Miramontes being chased into the street by another person wielding a baseball bat. Suspect Miramontes was struck three times with a baseball bat before falling to the ground. Suspect Miramontes was then struck with the baseball bat seven additional times as he laid on the ground. IAB investigators were unable to determine the exact location of strikes to Suspect Miramontes' body from the surveillance footage.

IAB investigators also reviewed cellular phone footage of the incident provided by Detective Zamora **[Miscellaneous documents].** The cellular phone footage did not capture the entire incident, however; it provided a closer angle than the bus camera and recorded Suspect Miramontes being struck four times in the torso as he laid still on the ground.